



DOCKET NO.: 217049US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

#16 PA
6-19-03

IN RE APPLICATION OF :
YOSHINORI HAYASHI : EXAMINER: ALLEN, D. S.
SERIAL NO: 10/028,698 :
FILED: DECEMBER 28, 2001 : GROUP ART UNIT: 2872
FOR: OPTICAL SCANNING DEVICE :
DECREASING AMOUNT OF
CHANGE IN RELATIVE
SCANNING POSITION

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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SIR:

In response to the Restriction Requirement in the Official Action mailed May 2, 2003, Applicant elects Group II, Claims 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28 and 30 for further examination on the merits in the present application.

Applicant respectfully traverse the Restriction requirement for the following reason.

MPEP § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

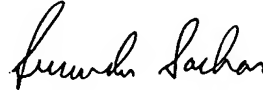
The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicant respectfully traverse the outstanding Restriction

requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, an action on the merits is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
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Registration No. 34,423



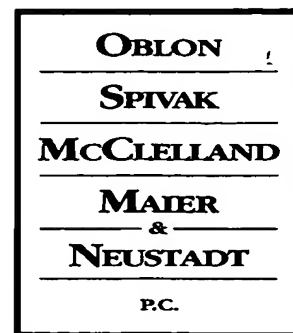
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RE: Application Serial No.: 10/028,698
Applicants: Yoshinori HAYASHI
Filing Date: December 28, 2001
For: OPTICAL SCANNING DEVICE DECREASING
AMOUNT OF CHANGE IN RELATIVE SCANNING
POSITION
Group Art Unit: 2872
Examiner: ALLEN, D. S.

SIR:

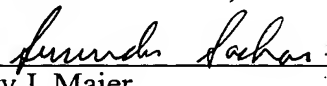
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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